

## **REMARKS/ARGUMENTS**

### **Status of the Claims**

Claims 1-27 remain in the application;  
Claims 1, 13, 10, and 27 have been amended.

### **Claim rejections under 35 U.S.C. § 102(e)**

Claims 1-6, 8-10, 12-17, and 19-25 stand rejected under 35 USC 102(b) as being anticipated by U.S. Patent No. 6,741,980 (Langseth).

It is believed that the '980 patent application of Langseth has been overcome as a reference by the attached 37 C.F.R. § 1.131 declaration showing that Applicant made his invention before the January 21, 2000 filing date of the '980 patent application.

### **Claim rejection under 35 U.S.C. § 103(a)**

Claim 7 stands rejected under 35 USC 103(a) as being unpatentable over U.S. Patent No. 6,741,980 (Langseth) in view of Official Notice.

It is believed that the '980 patent application of Langseth has been overcome as a reference by the attached 37 C.F.R. § 1.131 declaration showing that Applicant made his invention before the January 21, 2000 filing date of the '980 patent application. Moreover, it is believed that the "Official Notice" reference of V. Paxson and M. Allman, entitled "Computing TCP's Retransmission Timer", dated November 2000, has also been overcome as a reference by the attached 37 C.F.R. § 1.131 declaration.

### **Claim rejections under 35 U.S.C. § 103(a)**

Claims 11 and 18 stand rejected under 35 U.S.C. 103(a) as being unpatentable over

U.S. Patent No. 6,741,980 (Langseth) in view of published U.S. Patent Application No. US 2002/0,052,885 (Levy).

It is believed that both the '980 patent application of Langseth and the '885 published patent application of Levy have been overcome as references by the attached 37 C.F.R. § 1.131 declaration showing that Applicant made his invention before the January 21, 2000 filing date of the '980 patent application, and the September 11, 2001 filing date of the '885 patent application, respectively.

## CONCLUSION

On the basis of the 37 C.F.R. § 1.131 declaration, and the foregoing amendments, remarks, and arguments of record, applicant respectfully submits that claims 1-27 are now in condition for allowance. Applicant respectfully requests that a timely Notice of Allowance be issued in this case. Alternatively, if the Examiner is of the opinion that prosecution of the application may be expedited by a telephonic interview, the Examiner is invited to contact applicant's representative at the telephone number listed below.

Customer Number

**22854**

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Respectfully submitted,  
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By his/her/their Attorneys,

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